IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 1137 of 2005

Between:

V.Narasimha Charyulu, S/o.V.V.N.Acharya,
in Sri Venkateshwara Swamy Temple, Gaddiannaram Thirumala Hills,
Gaddiannaram, Hyderabad, R/o.14/57 Near P & T Colony, Dilsuknagar, Hyderabad.

..... PETITIONER

AND

1. The Commissioner Endowments Depot, Govt. of A.P.Hyderabad.
2. The Asst.Commissioner, Endowments Dept, Govt. of A.P.Hyderabad
3. The Executive Officer/Manager, Sri Venkateshwara Swamy Temple, Thirumala Hills, Asmanghad, Hyderabad.
4. The Chairman, Sri Venkateshwara Swamy Temple, Thirumala Hills, Asmanghad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 3rd respondent herein in not permitting the petitioner to perform spiritual duties as Archaka in Sri Venkateshwara Swamy Temple, Thirumala Hills, Asmanghad, Hyderabad as illegal, arbitrary and unjust and consequently direct the respondents herein to permit the petitioner to continue as Archaka in Sri Venkateshwara Swamy Temple, Thirumala Hills, Asmanghad, Hyderabad with all attendant benefits from date of his joining in the temple as Archaka as per prevailing pay scale.

Counsel for the Petitioner: MR.T.BHEEMSEN & T.V.PRANAI KUMAR

Counsel for the Respondent Nos.1 and 2: GP FOR ENDOWMENTS

Counsel for the Respondent Nos.3 and 4:MR.K.RAVI

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in not allowing him to work as an Archaka of Sri Venkateswara Swamy Temple, Thirumala Hills, Asmanghad, Hyderabad.

According to the petitioner, he made a representation to the Commissioner of Endowments on 16.03.2004 seeking appointment as an Archaka of the subject temple and the same was forwarded to the respondents 3 and 4. In fact, the petitioner relies upon an endorsement stated to have been made by the Chairman of the subject temple, which shows that he received the Commissioner's order, accepted and admitted the petitioner as an Archaka today i.e., 17.03.2004. The grievance of the petitioner is that he was allowed to work as an Archaka for 14 days i.e., for two weeks and thereafter, he was removed from service. Hence, he has come up with the present writ petition seeking a direction to the respondents to continue him as an Archaka of the subject temple.

Notice was ordered and after service of notice, a counter affidavit has been filed on behalf of the respondents. In the counter, it is stated that there is no vacancy in the post of Archaka in the subject temple. It is further stated that the petitioner was not at all appointed as an

Archaka by any of the respondent-authorities. Therefore, the question of allowing the petitioner as an Archaka for two weeks, thereafter discontinuing his services and now, to continue him in service does not arise as long as there is no vacancy in the subject temple. Therefore, it is contended by the learned counsel appearing for the respondents that there is no merit in the writ petition warranting interference.

Heard both sides and considered the material on record.

The petitioner claims that he was allowed to work as an Archaka for two weeks and thereafter, he was not allowed to work. Therefore, he sought directions to continue him as an Archaka of the subject temple. Further, it is the case of the petitioner that his application seeking appointment as an Archaka of the subject temple was forwarded to the respondents 3 and 4 by respondents 1 and 2 and thereafter, the fourth respondent made an endorsement observing that the forwarded application was received and the petitioner was admitted as an Archaka. However, the petitioner has not placed any order before this Court under which he was appointed as an Archaka. In the absence of any such order as contemplated under law, the petitioner is not entitled to claim any relief.

Under the above circumstances, the writ petition is devoid of merit and the same is accordingly dismissed. No costs.

27.06.2005

VGB

To

1. The Commissioner Endowments Dept, Govt. of A.P., Hyderabad.
2. The Assistant Commissioner, Endowments Dept, Govt. of A.P., Hyderabad
3. The Executive Officer/Manager, Sri Venkateshwara Swamy Temple, Thirumala Hills, Asmanghad, Hyderabad.
4. The Chairman, Sri Venkateshwara Swamy Temple, Thirumala Hills, Asmanghad, Hyderabad.
5. 2CCs to the Government Pleader for Endowments, High Court Buildings, Hyderabad. (OUT).
6. 2CD copies.